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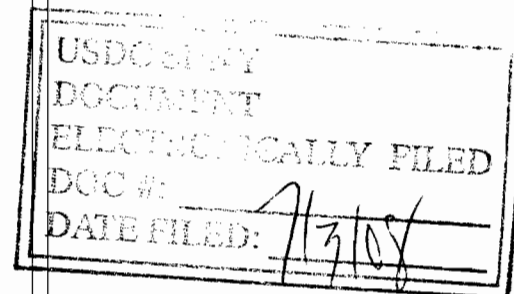
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June 25, 2008

**BY HAND**

Honorable John E. Sprizzo  
United States District Court  
500 Pearl Street  
New York, New York



Re: Mitchell v. Carbon Capital II, Inc. – 08 Civ. 4319 (JES)

Dear Judge Sprizzo:

We are attorneys for plaintiff Guy T. Mitchell. We write to request an extension of the July 2, 2008 deadline for plaintiff to complete its discovery of nonparties Hyatt Corporation and Hyatt Equities LLC (collectively, "Hyatt").

We previously sought and received a nine-day extension to accommodate the Northern District of Illinois's order granting Hyatt an extension until June 23, 2008 to produce documents responsive to our April 29, 2008 subpoenas duces tecum. At the time of our prior request, the preliminary injunction hearing was scheduled to be held before Your Honor on June 18, 2008, leaving two weeks to complete discovery of Hyatt. As you know, the hearing date has since been moved to July 1, 2008.

Pursuant to the Northern District of Illinois's June 6, 2008 order granting our motion to compel, Hyatt appears to have substantially completed its production of responsive documents. However, Hyatt has not yet provided a privilege log and has indicated that it will not do so until later this week, at the earliest. Therefore, we will not be in a position to evaluate the completeness of Hyatt's production and, if necessary, litigate the issue in the Northern District of Illinois until Hyatt completes this task.

Even assuming that Hyatt's document production is complete, despite our best efforts, we have been unable to schedule depositions of Hyatt's employees prior to the July 2, 2008 deadline. Hyatt's employees are not available to be deposed this week prior to the hearing, and next week is consumed by the July 1 hearing and other commitments for the Hyatt witnesses, including the July 4 holiday. We have discussed a schedule for depositions with Hyatt's counsel and believe that the parties will be able to schedule the deposition of three Hyatt employees early during the week of July 7, 2008.

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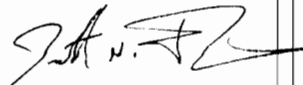
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Accordingly, we respectfully request that Your Honor extend the date for plaintiff to complete its deposition discovery of Hyatt an additional nine days until Friday, July 11.

Thank you for Your Honor's consideration.

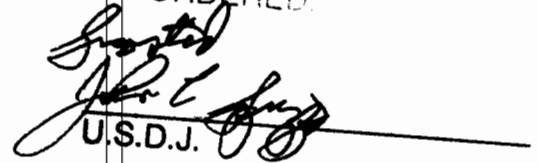
Respectfully,



Jonathan N. Francis

cc: Nicholas P. Crowell, Esq.  
Philip Shatz, Esq.

SO ORDERED:



U.S.D.J.